

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re United States Patent of:

Joseph A. Yaccarino, III

Patent No.: 6,025,538

Issued: February 15, 2000



Attorney Docket No.: X-9269

For: COMPOUND BONE STRUCTURE
FABRICATED FROM ALLOGRAFT
TISSUE

CONSENT BY THE ASSIGNEE UNDER 37 C.F.R. § 1.324

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

MUSCULOSKELETAL TRANSPLANT FOUNDATION, a non-profit corporation existing under the laws of the District of Columbia, having an office and place of business at 125 May Street, Edison, New Jersey, 08837, as Assignee of the entire right, title and interest in, to and under the invention and U.S. Patent No. 6,025,538 issued February 15, 2000 entitled "COMPOUND BONE STRUCTURE FABRICATED FROM ALLOGRAFT TISSUE" hereby consents to the correction of U.S. Patent No. 6,025,538 to add David C. Paul as named co-inventor.

MUSCULOSKELETAL TRANSPLANT FOUNDATION, certifies that it is the Assignee of the entire right, title and interest in, to and under the invention of U.S. Patent No. 6,025,538, pursuant to an assignment executed by Joseph A. Yaccarino, III, the presently named inventor of U.S. Patent No. 6,025,538, on February 15, 2000, which was executed on November 13, 1998, a copy of which is enclosed.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and

further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the Patent.

Signed this 13 day of AUGUST, 2001.

**MUSCULOSKELETAL TRANSPLANT
FOUNDATION**

By: Arthur G. Gertzman
Name (please print)

Title: (please print)

ARTHUR A. GERTZMAN
VICE PRESIDENT
RESEARCH & DEVELOPMENT
MTF

ASSIGNMENT

WHEREAS, I JOSEPH A. YACCARINO, III (hereinafter referred to as "assignor") depose and say that I am a citizen of the United States of America and an individual residing at 83 Freemont Court, Somerset, New Jersey 08873, a co-inventor together with DAVID C. PAUL, a citizen of India, and an individual residing at 405 Greene Lane, Phoenixville, PA 19460 of the invention in COMPOUND BONE STRUCTURE FABRICATED FROM ALLOGRAFT TISSUE which issued February 15, 2000 as United States Patent No. 6,025,538 which was filed on November 20, 1998, Application No. 09/196,251; and

WHEREAS, MUSCULOSKELETAL TRANSPLANT FOUNDATION (hereinafter referred to as "Assignee") a corporation organized for not for profit under the laws of the District of Columbia, having a principal place of business at Edison Corporate Center, 125 May Street, Suite 300, Edison, New Jersey 08837, is desirous of acquiring my entire right, title, and interest both domestic and foreign in and to the said invention, and in and to the said application and said Letters Patent that issued thereon;

NOW, THEREFORE, for and in consideration of five dollars (\$5.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, I the said Assignor have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto to the said Assignee its successors, legal representatives and assigns, my entire right, title, and interest in and to the said invention, and in and to the said application and all patents which may be granted therefor, and all divisions, renewals, reissues, substitutions, continuations, and extensions thereof.

Assignor also hereby sells and assigns to Assignee's successors, legal representative and assigns, **his foreign rights to the invention** disclosed in said application and said patent and all applications for industrial property protection, including without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries foreign to the United States, in all patent granting countries of the world, including the right to file applications and obtain patents for said invention in Assignee's own name in said countries and including all rights of priority in said countries under the Patent Laws of the United States, the terms of the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be

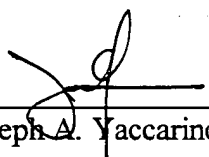
applicable; and all forms of industrial property protection including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and any and all extensions, renewals and reissues thereof and Assignor further agree to execute any and all patent applications, assignments, affidavits, and any other papers in connection therewith necessary to perfect such patent rights.

Assignor hereby authorizes and requests the Commissioner of Patents and Trademarks of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on application as aforesaid, to issue the same to the said Assignee, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

Assignor covenants and agrees that he has full right to convey the entire interest herein assigned, and that he has not executed and will not execute, any agreement in conflict herewith.

Assignor hereby further agrees that he will communicate to said Assignee or to its successors, assigns, and legal representatives, any facts known to her or him respecting said invention, any improvements, and at the expense of said Assignee, to testify in any legal proceedings, sign all lawful papers, execute all divisional, continuation, reissue, substitute applications and foreign applications, make all lawful oaths, and generally do everything possible to aid said Assignee, its successors, legal representatives, assigns, and nominees to obtain and enforce proper patent protection for said invention in all countries.

IN WITNESS WHEREOF, I have set my hand and seal this 12th day of August, 2001.



Joseph A. Yaccarino, III

State of New Jersey)
) SS.:
County of Dover)

On August 13, 2001, before me, Cynthia Mack, Notary Public, personally appeared James V. [unclear], personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Cynthia Mack

NOTARIAL SEAL
Cynthia Mack, Notary Public
Dover Twp, Ocean County
Commission Expires Dec. 17, 2001